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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,484	07/02/2003	Candice B. Kissinger	P00727-US-01 (00872.0010)	3493
22446	7590	11/02/2006	EXAMINER	
ICE MILLER LLP ONE AMERICAN SQUARE, SUITE 3100 INDIANAPOLIS, IN 46282-0200			DESANTO, MATTHEW F	
			ART UNIT	PAPER NUMBER

3763

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/612,484	Applicant(s) KISSINGER ET AL.	
	Examiner Matthew F. DeSanto	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/10/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 13-17 and 41, 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Kissinger et al. (USPN 6,062,224).

Kissinger et al. discloses at least one syringe (three syringes), at least one fluid reservoir, at least one pinch valve, and at least one catheter, wherein the catheter is disposable (see figures 1 and 12 and columns 19 - 21).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 14, 15, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. (USPN 6,767,319), and further in view of Fahy et al. (USPN 6,187,529).

Reilly et al. discloses at least one syringe, at least one fluid reservoir, at least one valve, and at least one catheter, wherein the catheter is disposable (Figures 1A and entire reference), but Reilly et al. fails to disclose the use of pinch valves as the valves in the system.

Fahy et al. discloses the use of pinch valves instead of stopcock valves in a system that deals with infusing or perfusing fluids into organs or tissues. Fahy et al. discloses the benefit of using pinch valves also.

At the time of the invention it would have been obvious for one of ordinary skill in the art to combine the system of Reilly et al. with Fahy et al. because Fahy et al. discloses the benefit of using a pinch type valve, which is the easy removal of the valve from the tubing (Fahy et al. Column 17, lines 21-38).

5. Claims 4-13, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of Fahy et al. as applied to the claims above, and further in view of Lang (USPN 5,609,572),

Reilly et al. and Fahy et al. discloses the claimed invention except for the use of multiple syringes with multiple valves associated with each syringe in the system.

Lang discloses the multiple syringes and multiple valves (Figures 7A, 9 and entire reference).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the system of Reilly et al. and Fahy et al. with the teachings of Lang because Lang discloses the benefit of having multiple syringes with multiple valves to allow better regulation and control of many different types of medication, especially medication that are incompatible infusion solutions (column 2, lines 17-30).

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection and are not persuasive with regards to Reilly et al. in view of Fahy et al.

The examiner keeps the 103 Rejection of Reilly et al. in view of Fahy et al. because the examiner maintains his obvious rejection that it would be obvious to switch the stopcock valve with a pinch valve since one of ordinary skill in the art would be able to use different valve depending on the type of circumstance and intended use of the invention. Therefore the examiner found Fahy et al., which taught the use of different valves such as a pinch valve.

7. The 103 Rejection in view of Lang and Fahy et al. (USPN 6,187,529) has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F. DeSanto whose telephone number is 571-272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Matthew DeSanto
Art Unit 3763
October 30, 2006